

III. Remarks

Status of the Claims

Claims 10-13, 16, 18, and 27 are amended. New claims 29-32 are added. Claims 10-13, 16, 18, 27, 28 and 29-32 are presented for consideration.

The claims of this application are amended to clarify what is intended to be protected in this application. No new matter is presented. The amendments to the claims are not intended to be more limiting, are not made for reasons related to patentability, and should not be interpreted to raise issues of estoppel. These amendments are submitted after final rejection in order to place the claims in condition for allowance or in the alternative to place the claims in better condition for appeal. Applicant submits that such amendments are properly entered under 37USC1.116 and accordingly, Examiner is requested to enter these amendments.

The Office Action and Responsive Remarks

Applicant has considered the Examiner's comments set forth in the Office Action mailed October 16, 2008 and responds in detail below. The Applicant respectfully requests that the Examiner reconsider the claim rejections in view of the above amendments and the following remarks.

Claims 10 - 13, 16, 18, and 27-28 stand rejected under 35 U.S.C. 102(b) based on the cited reference Parulski, US Patent No. 5,475,411. This rejection is traversed on the following grounds:

The cited reference Parulski fails to disclose each and every limitation of the claims of this application. It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221). In Claim 10, as amended, states:

"a card shaped body having an interface conforming to the standard for PCMCIA circuit cards and adapted to be received in a PCMCIA compatible card slot of a host computer,

an optical unit constructed in the card shaped body comprising an image sensor for receiving image data from an optical element and a processor configured to adapt said received image data for transmittal to the host computer through the PCMCIA interface ; and"

The combined teaching fails to disclose or suggest these features.

The examiner characterizes the teaching of Parulski as follows:

"Parulski discloses a camera card "Fig. 2, item 20" for collecting data in the form of images only when in association with a host computer (column 3, lines 35-62, and col.5, lines 5-20)"

The Examiner cites a portion of the disclosure of Parulski in column 3, lines 35-62 in support of this characterization. However, the excerpt gives a different impression when the context of the surrounding disclosure is considered. The paragraph of Parulski follows:

"Referring to FIG. 2, and in accordance with one embodiment of the invention, an electronic camera 20 incorporates a structural element 22 which allows the camera 20 to be connected into the conventional memory card receptacle 12 of a portable computer 10. The receptacle 12 is, e.g., a slot 16 for receipt of a card containing semiconductor memory and the structural element 22, in that case, is an extender board 24 that fits into the slot 16 (shown in phantom lines). The extender 24 includes an edge connector 26 that is configured to mate with a corresponding connector 18 (shown in phantom lines) within the slot 16 when the camera 20 is properly located in relation to the computer 10. (While not critical to the invention, the extender board 24 can be removable from the camera 20, or can be folded into or parallel to the camera 20 when detached from the computer 10.)"

Applicant submits that the Examiner is misreading the content of the above excerpt. A person reasonably skilled in the art would understand the structure described as having

two separate parts, namely, camera 20 and extender board 24. It is clear that camera 20 is not within extender board 24. Extender board 24 is attached to camera 20 and extends outward from the camera body to the extent that it may be constructed as a removable part. Applicant's interpretation of the structure disclosed in Parulski is supported in all of the figures. Figures 2a and 2b show camera 20 with extender board 24 attached. The block diagram of figure 3 shows extender board 24 as a separate block. In figure 6, extender board 24 is shown attached to camera 20 by means of a cable. Figure 7 shows a configuration similar to figures 2a and 2b. For all illustrations, it is understood that the extender board 24 interfaces with a memory card slot 16. Applicant submits that the Examiner has exaggerated the teaching of Parulski, as Parulski does not teach a "camera card" as described in the claims of this application.

The Examiner has ignored Applicant's repeated attempts to craft a claim structure that accurately reflects the invention described in the subject application and also the arguments advanced by Applicant to distinguish over the reference Parulski. Applicant has once again amended the claims to more clearly delineate the structure in support of its arguments.

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the device of Parulski would infringe the claims of this application if it were later.

All of the claims of this application are directed to a multi-function device that uses:

"a card shaped body having an interface and dimensions conforming to the standard for PCMCIA circuit cards and adapted to be received in a PCMCIA compatible card slot of a host computer,

an optical unit constructed in the card shaped body comprising an image sensor for receiving image data from an optical element and a processor configured to adapt said received image data for transmittal to the host computer through the PCMCIA interface ; and "

Since there is no optical unit constructed in a card shaped body contained in the device

of Palruski, there would be no infringement of the subject claims. Therefore the teaching of Palruski does not support the rejection based on anticipation with respect to any of the claims. The only element of the device of Parulski that maybe considered as being card shaped is extender board 24 and there is clearly no optical unit within extender board 24 of Palruski.

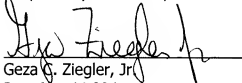
Accordingly the reference Parulski fails to support the rejection of the claimed subject matter of claim 10 based on anticipation.

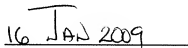
These grounds apply equally to new claim 29 and the rejected dependent claims, all of which, by dependency, have the limitations described in independent claims 10 and 29.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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